

1 THE HONORABLE JUDGE ROBERT J. BRYAN

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3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON AT TACOMA

6 LAWRENCE HARTFORD; DOUGLAS
7 MITCHELL; BRETT BASS; SPORTING
8 SYSTEMS VANCOUVER, INC.; SECOND
9 AMENDMENT FOUNDATION, INC.; and
FIREARMS POLICY COALITION, INC,

10 Plaintiffs,

v.

11 BOB FERGUSON, in his official capacity as
12 Washington State Attorney General; et al.

13 Defendant(s).

NO. 3:23-cv-05364

KITTITAS COUNTY
DEFENDANTS ZEMPEL AND
MYERS' ANSWER TO
PLAINTIFFS' COMPLAINT
AND AFFIRMATIVE
DEFENSES

14 Defendants Kittitas County Prosecuting Attorney Greg Zempel and Kittitas County
15 Sheriff Clayton Myers ("Kittitas County Defendants"), by and through their attorneys of
16 record, answer Plaintiffs' Complaint. Except as expressly admitted or qualified, Kittitas
17 County Defendants deny each and every allegation, statement, or charge contained in the
18 Complaint, and deny that Plaintiffs are entitled to any of the relief requested. Plaintiffs'
19 Complaint contains headings that are not specifically responded to herein. To the extent
20 Plaintiffs' headings contain allegations to which a response is required, Kittitas County
21 Defendants deny. Kittitas County Defendants answer the numbered paragraphs of Plaintiffs'
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Complaint as follows:

I. INTRODUCTION

1. Paragraph 1 asserts opinion and legal conclusions that require no response. The Constitutional provision cited speaks for itself and requires no response. To the extent a response is required, Kittitas County Defendants deny.

2. Paragraph 2 asserts opinion, legal conclusions and argument that require no response. To the extent a response is required, Kittitas County Defendants deny.

3. Paragraph 3 asserts opinion, legal conclusions and argument that require no response. To the extent a response is required, Kittitas County Defendants deny.

4. Paragraph 4 asserts opinion, legal conclusions and argument that require no response. To the extent a response is required, Kittitas County Defendants deny.

5. Paragraph 5 asserts opinion, legal conclusions and argument that require no response. To the extent a response is required, Kittitas County Defendants deny.

6. Paragraph 6 contains Plaintiffs' opinion, legal conclusions and argument of the relief they seek, including allegations pertaining to other defendants who are separately represented, which require no response. Kittitas County Defendants deny they have infringed or threaten to infringe the rights of the Plaintiffs. To the extent a response is required, Kittitas County Defendants deny.

II. JURISDICTION AND VENUE

7. Paragraph 7 asserts legal conclusions that require no response. To the extent a

1 response is required, Kittitas County Defendants deny.

2 8. Paragraph 8 asserts legal conclusions that require no response. To the extent a
3 response is required, Kittitas County Defendants deny. Kittitas County Defendants also note
4 Plaintiffs' 42 U.S.C. §1983 and §1988 claims against Kittitas County Defendants have been
5 dismissed, so Kittitas County Defendants deny Plaintiffs seek remedies under those
6 provisions.

7 9. Paragraph 9 asserts legal conclusions that require no response. To the extent a
8 response is required, Kittitas County Defendants deny.

9 III. PARTIES

10 10. Kittitas County Defendants deny they have taken any steps to cause Plaintiff
11 Doug Mitchell to fear prosecution. Kittitas County Defendants are without knowledge or
12 information sufficient to form a belief as to the truth of the remaining allegations contained in
13 Paragraph 10 and, therefore, deny the same.

14 11. Kittitas County Defendants deny they have taken any steps to cause Plaintiff
15 Lawrence Hartford to fear prosecution. Kittitas County Defendants are without knowledge or
16 information sufficient to form a belief as to the truth of the remaining allegations contained in
17 Paragraph 11 and, therefore, deny the same.

18 12. Kittitas County Defendants deny they have taken any steps to cause Plaintiff
19 Brett Bass to fear prosecution. Kittitas County Defendants are without knowledge or
20 information sufficient to form a belief as to the truth of the remaining allegations contained in
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1 Paragraph 12 and, therefore, deny the same.

2 13. Kittitas County Defendants deny they have caused any harm to Plaintiff
3 Sporting Systems Vancouver, Inc. Kittitas County Defendants are without knowledge or
4 information sufficient to form a belief as to the truth of the remaining allegations contained in
5 Paragraph 13 and, therefore, deny the same.

6 14. Kittitas County Defendants deny they have caused any harm to Plaintiff Second
7 Amendment Foundation or its members, including the individual Plaintiffs. Kittitas County
8 Defendants are without knowledge or information sufficient to form a belief as to the truth of
9 the remaining allegations contained in Paragraph 14 and, therefore, deny the same.

10 15. Kittitas County Defendants deny they have caused any harm to Plaintiff
11 Firearms Policy Coalition, Inc., or its members, including the individual Plaintiffs. Kittitas
12 County Defendants are without knowledge or information sufficient to form a belief as to the
13 truth of the remaining allegations contained in Paragraph 15 and, therefore, deny the same.

14 16. Kittitas County Defendants admit the Complaint names Bob Ferguson in his
15 official capacity as Washington State Attorney General, as a Defendant. The cited state law
16 speaks for itself. The remainder of Paragraph 16 asserts legal conclusions directed at another
17 defendant who is separately represented, which requires no response. To the extent a response
18 is required, Kittitas County Defendants deny.

19 17. Kittitas County Defendants admit the Complaint names John R. Batiste in his
20 official capacity as Chief of the Washington State Patrol, as a Defendant. The cited state law
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1 speaks for itself. The remainder of Paragraph 17 asserts legal conclusions directed at another
2 defendant who is separately represented, which requires no response. To the extent a response
3 is required, Kittitas County Defendants deny.

4 18. Kittitas County Defendants admit the Complaint names Clayton Myers in his
5 official capacity as Sheriff for Kittitas County, Washington, as a Defendant. The cited state
6 law speaks for itself. The remainder of Paragraph 18 asserts legal conclusions that require no
7 response. To the extent a response is required, Kittitas County Defendants deny.

8 19. Kittitas County Defendants admit the Complaint names John Horch in his
9 official capacity as Sheriff for Clark County, Washington, as a Defendant. The cited state law
10 speaks for itself. The remainder of Paragraph 19 asserts legal conclusions directed at another
11 defendant who is separately represented, which requires no response. To the extent a response
12 is required, Kittitas County Defendants deny.

13 20. Kittitas County Defendants admit the Complaint names John Gese in his
14 official capacity as Sheriff for Kitsap County, Washington, as a Defendant. The cited state
15 law speaks for itself. The remainder of Paragraph 20 asserts legal conclusions directed at
16 another defendant who is separately represented, which requires no response. To the extent a
17 response is required, Kittitas County Defendants deny.

18 21. Kittitas County Defendants admit the Complaint names Adam Fortney in his
19 official capacity as Sheriff for Snohomish County, Washington, as a Defendant. The cited
20 state law speaks for itself. The remainder of Paragraph 21 asserts legal conclusions directed at
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1 another defendant who is separately represented, which requires no response. To the extent a
2 response is required, Kittitas County Defendants deny.

3 22. Kittitas County Defendants admit the Complaint names Greg Zempel in his
4 official capacity as County Prosecutor for Kittitas County, Washington, as a Defendant. The
5 cited state law speaks for itself. The remainder of Paragraph 22 asserts legal conclusions that
6 require no response. To the extent a response is required, Kittitas County Defendants deny.

7 23. Kittitas County Defendants admit the Complaint names Tony Golik in his
8 official capacity as Prosecutor for Clark County, Washington, as a Defendant. The cited state
9 law speaks for itself. The remainder of Paragraph 23 asserts legal conclusions directed at
10 another defendant who is separately represented, which requires no response. To the extent a
11 response is required, Kittitas County Defendants deny.

12 24. Kittitas County Defendants admit the Complaint names Chad Enright in his
13 official capacity as Prosecutor for Kitsap County, Washington, as a Defendant. The cited state
14 law speaks for itself. The remainder of Paragraph 24 asserts legal conclusions directed at
15 another defendant who is separately represented, which requires no response. To the extent a
16 response is required, Kittitas County Defendants deny.

17 25. Kittitas County Defendants admit the Complaint names Jason Cummings in his
18 official capacity as Prosecutor for Clark County, Washington, as a Defendant. The cited state
19 law speaks for itself. The remainder of Paragraph 25 asserts legal conclusions directed at
20 another defendant who is separately represented, which requires no response. To the extent a
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response is required, Kittitas County Defendants deny.

IV. FACTUAL ALLEGATIONS

A. Washington's Ban On Common Semiautomatic Rifles

26. Paragraph 26 asserts opinion, legal conclusions, and argument that require no response. To the extent a response is required, Kittitas County Defendants admit Governor Jay Inslee signed Substitute House Bill 1240, and admit Substitute House Bill 1240 speaks for itself. Kittitas County Defendants otherwise deny Paragraph 26.

27. Paragraph 27 asserts opinion, legal conclusions, and argument that require no response. To the extent a response is required, Kittitas County Defendants admit Substitute House Bill 1240 speaks for itself, but otherwise deny Paragraph 27.

28. Paragraph 28 asserts opinion, legal conclusions, and argument that require no response. To the extent a response is required, Kittitas County Defendants admit Substitute House Bill 1240 speaks for itself, but otherwise deny Paragraph 28.

29. Paragraph 29 asserts opinion, legal conclusions, and argument that require no response. To the extent a response is required, Kittitas County Defendants admit Substitute House Bill 1240 speaks for itself, but otherwise deny Paragraph 29.

30. Paragraph 30 asserts opinion, legal conclusions, and argument that require no response. To the extent a response is required, Kittitas County Defendants admit Substitute House Bill 1240 speaks for itself, but otherwise deny Paragraph 30.

31. Paragraph 31 asserts opinion, legal conclusions, and argument that require no

1 response. To the extent a response is required, Kittitas County Defendants admit Substitute
 2 House Bill 1240 speaks for itself, but otherwise deny Paragraph 31.

3 **B. Washington Has Criminalized A Common And Important Means of Self-**
 4 **Defense**

5 32. Paragraph 32 asserts opinion, legal conclusions, and argument that require no
 6 response. To the extent a response is required, Kittitas County Defendants admit Substitute
 7 House Bill 1240 speaks for itself, but otherwise deny Paragraph 32.

8 33. Paragraph 33 asserts opinion, legal conclusions, and argument that require no
 9 response. To the extent a response is required, Kittitas County Defendants admit Substitute
 10 House Bill 1240 speaks for itself, but otherwise deny Paragraph 33.

11 34. Paragraph 34 asserts opinion, legal conclusions, and argument that require no
 12 response. To the extent a response is required, Kittitas County Defendants admit Substitute
 13 House Bill 1240 speaks for itself, but otherwise deny Paragraph 34.

14 35. Paragraph 35 asserts opinion, legal conclusions, and argument that require no
 15 response. The case law cited speaks for itself and requires no response. To the extent a
 16 response is required, Kittitas County Defendants deny Paragraph 35.

17 36. Paragraph 36 asserts opinion, legal conclusions, and argument that require no
 18 response. To the extent a response is required, Kittitas County Defendants deny Paragraph 36.

19 37. The documents cited in Paragraph 37 speak for themselves, and Plaintiffs'
 20 characterizations of the information in the documents require no response. To the extent a
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1 response is required, Kittitas County Defendants deny Paragraph 37.

2 38. The documents cited in Paragraph 38 speak for themselves, and Plaintiffs'
3 characterizations of the information in the documents require no response. To the extent a
4 response is required, Kittitas County Defendants deny Paragraph 38.

5 39. Paragraph 39 asserts legal conclusions and argument that require no response.
6 The case law cited speaks for itself and requires no response. To the extent a response is
7 required, Kittitas County Defendants deny Paragraph 39.

8 40. The document cited in Paragraph 40 speaks for itself, and Plaintiffs'
9 characterizations of the information in the document require no response. To the extent a
10 response is required, Kittitas County Defendants deny Paragraph 40.

11 41. The documents cited in Paragraph 41 speak for themselves, and Plaintiffs'
12 characterizations of the information in the documents require no response. To the extent a
13 response is required, Kittitas County Defendants deny Paragraph 41.

14 42. The documents cited in Paragraph 42 speak for themselves, and Plaintiffs'
15 characterizations of the information in the documents require no response. To the extent a
16 response is required, Kittitas County Defendants deny Paragraph 42.

17 43. Paragraph 43 asserts legal conclusions and argument that require no response.
18 The case law cited speaks for itself and requires no response. To the extent a response is
19 required, Kittitas County Defendants deny Paragraph 43.

20 44. The documents cited in Paragraph 44 speak for themselves, and Plaintiffs'

1 characterizations of the information in the documents require no response. To the extent a
2 response is required, Kittitas County Defendants deny Paragraph 44.

3 45. The document cited in Paragraph 45 speaks for itself, and Plaintiffs'
4 characterizations of the information in the document require no response. To the extent a
5 response is required, Kittitas County Defendants deny Paragraph 45.

6 46. The document cited in Paragraph 46 speaks for itself, and Plaintiffs'
7 characterizations of the information in the document require no response. To the extent a
8 response is required, Kittitas County Defendants deny Paragraph 46.

9 47. The document cited in Paragraph 47 speaks for itself, and Plaintiffs'
10 characterizations of the information in the document require no response. To the extent a
11 response is required, Kittitas County Defendants deny Paragraph 47.

12 48. The document cited in Paragraph 48 speaks for itself, and Plaintiffs'
13 characterizations of the information in the document require no response. To the extent a
14 response is required, Kittitas County Defendants deny Paragraph 48.

15 49. Paragraph 49 contains Plaintiffs' characterizations of the alleged facts and
16 hypothetical speculation, which require no response. To the extent a response is required,
17 Kittitas County Defendants deny Paragraph 49.

18 50. The documents cited in Paragraph 50 speak for themselves, and Plaintiffs'
19 characterizations of the information in the documents require no response. To the extent a
20 response is required, Kittitas County Defendants deny Paragraph 50.
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1 51. Paragraph 51 contains Plaintiffs' characterizations of the alleged facts, which
2 requires no response. To the extent a response is required, Kittitas County Defendants deny
3 Paragraph 51.

4 52. Paragraph 52 contains Plaintiffs' argument and characterizations of the alleged
5 facts, which requires no response. To the extent a response is required, Kittitas County
6 Defendants deny Paragraph 52.

7 53. Paragraph 53 contains Plaintiffs' argument and characterizations of the alleged
8 facts, which requires no response. To the extent a response is required, Kittitas County
9 Defendants deny Paragraph 53.

10 54. The documents cited in Paragraph 54 speak for themselves, and Plaintiffs'
11 characterizations of the information in the documents require no response. To the extent a
12 response is required, Kittitas County Defendants deny Paragraph 54.

13 55. Paragraph 55 contains Plaintiffs' legal argument, conclusions, and
14 characterizations of the alleged facts, which requires no response. To the extent a response is
15 required, Kittitas County Defendants deny Paragraph 55.

16 56. Paragraph 56 contains Plaintiffs' legal argument, conclusions, and
17 characterizations of the alleged facts, which requires no response. To the extent a response is
18 required, Kittitas County Defendants deny Paragraph 56.

19 57. Paragraph 57 contains Plaintiffs' legal argument, conclusions, and
20 characterizations of the alleged facts, which requires no response. To the extent a response is
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required, Kittitas County Defendants deny Paragraph 57.

C. Statement Of Facts Relating to Lawrence Hartford

58. Paragraph 58 requires no response. To the extent a response is required, Kittitas County Defendants incorporate their responses and denials as set forth above.

59. Kittitas County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 and, therefore, deny the same.

60. Kittitas County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 and, therefore, deny the same.

61. Kittitas County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 and, therefore, deny the same.

62. Kittitas County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 and, therefore, deny the same.

63. Kittitas County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 and, therefore, deny the same.

64. Kittitas County Defendants deny they have taken any steps to cause Plaintiff

1 Lawrence Hartford to fear prosecution. Kittitas County Defendants are without knowledge or
 2 information sufficient to form a belief as to the truth of the remaining allegations contained in
 3 Paragraph 64 and, therefore, deny the same.

4 **D. Statement Of Facts Relating to Doug Mitchell**

5 65. Paragraph 65 requires no response. To the extent a response is required,
 6 Kittitas County Defendants incorporate their responses and denials as set forth above.

7 66. Kittitas County Defendants are without knowledge or information sufficient to
 8 form a belief as to the truth of the allegations contained in Paragraph 66 and, therefore, deny
 9 the same.

10 67. Kittitas County Defendants are without knowledge or information sufficient to
 11 form a belief as to the truth of the allegations contained in Paragraph 67 and, therefore, deny
 12 the same.

13 68. Kittitas County Defendants are without knowledge or information sufficient to
 14 form a belief as to the truth of the allegations contained in Paragraph 68 and, therefore, deny
 15 the same.

16 69. Kittitas County Defendants are without knowledge or information sufficient to
 17 form a belief as to the truth of the allegations contained in Paragraph 69 and, therefore, deny
 18 the same.

19 70. Kittitas County Defendants deny they have taken any steps to cause Plaintiff
 20 Doug Mitchell to fear prosecution. Kittitas County Defendants are without knowledge or
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1 information sufficient to form a belief as to the truth of the remaining allegations contained in
 2 Paragraph 70 and, therefore, deny the same.

3 **E. Statement Of Facts Relating to Brett Bass**

4 71. Paragraph 71 requires no response. To the extent a response is required,
 5 Kittitas County Defendants incorporate their responses and denials as set forth above.

6 72. Kittitas County Defendants are without knowledge or information sufficient to
 7 form a belief as to the truth of the allegations contained in Paragraph 72 and, therefore, deny
 8 the same.

9 73. Kittitas County Defendants are without knowledge or information sufficient to
 10 form a belief as to the truth of the allegations contained in Paragraph 73 and, therefore, deny
 11 the same.

12 74. Kittitas County Defendants are without knowledge or information sufficient to
 13 form a belief as to the truth of the allegations contained in Paragraph 74 and, therefore, deny
 14 the same.

15 75. Kittitas County Defendants are without knowledge or information sufficient to
 16 form a belief as to the truth of the allegations contained in Paragraph 75 and, therefore, deny
 17 the same.

18 76. Kittitas County Defendants are without knowledge or information sufficient to
 19 form a belief as to the truth of the allegations contained in Paragraph 76 and, therefore, deny
 20 the same.

1 77. Kittitas County Defendants deny they have taken any steps to cause Plaintiff
2 Brett Bass to fear prosecution. Kittitas County Defendants are without knowledge or
3 information sufficient to form a belief as to the truth of the remaining allegations contained in
4 Paragraph 77 and, therefore, deny the same.

5 **F. Statement Of Facts Relating to Sporting Systems Vancouver, Inc**

6 78. Paragraph 78 requires no response. To the extent a response is required,
7 Kittitas County Defendants incorporate their responses and denials as set forth above.

8 79. Kittitas County Defendants are without knowledge or information sufficient to
9 form a belief as to the truth of the allegations contained in Paragraph 79 and, therefore, deny
10 the same.

11 80. Kittitas County Defendants are without knowledge or information sufficient to
12 form a belief as to the truth of the allegations contained in Paragraph 80 and, therefore, deny
13 the same.

14 81. Kittitas County Defendants are without knowledge or information sufficient to
15 form a belief as to the truth of the allegations contained in Paragraph 81 and, therefore, deny
16 the same.

17 82. Kittitas County Defendants deny they have taken any steps to cause Plaintiff
18 Sporting Systems Vancouver, Inc. to fear prosecution. The case law cited in Paragraph 82
19 speaks for itself and requires no response. Kittitas County Defendants are without knowledge
20 or information sufficient to form a belief as to the truth of the remaining allegations contained
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in Paragraph 82 and, therefore, deny the same.

V. CAUSE OF ACTION

A. **Count One: 42 U.S.C. § 1983 & *Ex parte Young*, 209 U.S. 123 (1908)-Deprivation of Plaintiffs' Rights under the Second and Fourteenth Amendments of the United States Constitution**

83. Paragraph 83 requires no response. To the extent a response is required, Kittitas County Defendants incorporate their responses and denials as set forth above.

84. Kittitas County Defendants admit the Second Amendment of the United States Constitution speaks for itself and requires no response.

85. Paragraph 85 states a legal conclusion that requires no response. The case law cited speaks for itself and requires no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 85.

86. Paragraph 86 states a legal conclusion that requires no response. The case law cited speaks for itself and requires no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 86.

87. Paragraph 87 contains legal conclusions that require no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 87.

88. Paragraph 88 states a legal conclusion that requires no response. The statute cited speaks for itself and requires no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 88.

89. Paragraph 89 states a legal conclusion that requires no response. The case law

1 cited speaks for itself and requires no response. To the extent a response is required, Kittitas
 2 County Defendants deny Paragraph 89.

3 90. Kittitas County Defendants are without knowledge or information sufficient to
 4 form a belief as to the truth of the allegations contained in Paragraph 90 and, therefore, deny
 5 the same.

6 91. Paragraph 91 contains legal conclusions that require no response. To the extent
 7 a response is required, Kittitas County Defendants deny Paragraph 91.

8 92. Paragraph 92 states argument and a legal conclusion that requires no response.
 9 The case law cited speaks for itself and requires no response. To the extent a response is
 10 required, Kittitas County Defendants deny Paragraph 92.

11 VI. PRAYER FOR RELIEF

12 This section of the Complaint asserts Plaintiffs' requests for relief, to which no
 13 response is required. To the extent a response is required, Kittitas County Defendants deny
 14 Plaintiffs are entitled to the relief requested, or any relief. The Court has dismissed Plaintiffs'
 15 claims under 42 U.S.C. § 1983 and 42 U.S.C. § 1988. As to any allegations in Plaintiffs'
 16 Complaint not expressly admitted or denied, Kittitas County Defendants deny the same.

17 VII. AFFIRMATIVE DEFENSES

18 Kittitas County Defendants assert the affirmative defenses, as set forth below. By
 19 setting forth the following allegations and defenses, Kittitas County Defendants do not assume
 20 the burden of proof on any matter or issue other than those on which they have the burden of
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1 proof as a matter of law. If the facts warrant, Kittitas County Defendants may withdraw any
 2 of these affirmative defenses. Kittitas County Defendants reserve the right to amend this
 3 Answer to assert additional defenses, cross claims, and counterclaims.

4 1. Plaintiffs have failed to state a claim upon which relief may be granted.
 5 2. Plaintiffs lack standing to sue individually and/or on behalf of others.
 6 3. Plaintiffs' claims are not ripe.
 7 4. To the extent Plaintiffs are attempting to bring a claim for monetary damages,
 8 costs or attorney's fees, Kittitas County Defendants may be immune from suit or judgment
 9 pursuant to the following doctrines: public duty doctrine, qualified immunity, prosecutorial
 10 immunity, and absolute immunity.

11 5. To the extent Kittitas County Defendants undertook conduct regarding subjects
 12 and events underlying Plaintiffs' Complaint, such conduct was, at all relevant times,
 13 undertaken in good faith and in reasonable reliance on existing law. Kittitas County
 14 Defendants have no authority to enact state law and took no part in the enactment of SHB
 15 1240.
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17 6. Kittitas County Defendants also adopt and incorporate by reference any and all
 18 other defenses asserted by any other defendant in this matter to the extent Kittitas County
 19 Defendants may share in such defense.
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VIII. KITTITAS COUNTY DEFENDANTS' PRAYER FOR RELIEF

Kittitas County Defendants respectfully request the Court grant the following relief:

1. Dismiss Plaintiffs' Complaint in its entirety, with prejudice, and without an award of any relief to Plaintiffs of any kind whatsoever, in favor of Kittitas County Defendants;
2. Award all reasonable costs, attorneys fees, and expenses to Kittitas County Defendants as may be permitted by applicable law; and
3. Award Kittitas County Defendants such other and further relief as the Court deems just and proper.

DATED this 6th day of July, 2023.

GREGORY L. ZEMPEL

/s/ Christopher Horner

CHRISTOPHER HORNER, WSBA #42152
Deputy Prosecuting Attorney
Kittitas County Prosecutor's Office
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Telephone: (509) 962-7520
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*Counsel for Defendants Greg Zempel and
Clay Myers*

CERTIFICATE OF SERVICE

The undersigned certifies as follows:

1. I am an employee of the Civil Division of the Kittitas County Prosecuting Attorney.
2. On July last, 2023, at Ellensburg, WA, I sent, via the Clerk of the Court using the CM/ECF system, a true and correct copy of foregoing document:

• **KITTITAS COUNTY DEFENDANTS ZEMPEL AND MYERS
ANSWER TO PLAINTIFFS' COMPLAINT,**

To the following individuals at the specified addresses via CM/ECF,

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4 Vancouver, WA 98666-5000
5 angus@angusleelaw.com

6 I CERTIFY under penalty of perjury under the laws of the State of Washington that the
7 foregoing is true and correct.

8 Dated: July 6th, 2023, at Ellensburg, Washington.

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Christine Rice
Legal Assistant